

## **COUNCIL PROCEEDINGS**

**Tuesday, November 15, 2011**

1. **CALL TO ORDER AND ROLL CALL**

Mayor Appelbaum called the regular November 15, 2011 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Becker, Cowles, Jones, Karakehian, Morzel, Plass and Wilson.

A. **BOULDER COUNTY TRENDS REPORT. – 6:55 P.M.**

Morgan Rogers with the Community Foundation presented the Boulder County Trends Report. Major highlights included 1) as a community Boulder had the same poverty rate as the Nation; 2) Boulder has the widest achievement gap, the second widest in the state. Local, low income children are not doing as well as their peers across the state; 3) a National Gallup poll on community attachment showed Boulder did well in the area of aesthetics and social offerings but scored poorly in the area of acceptance (openness) of immigrants and minorities.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:01 p.m.**

1. Joe Brooker, pooling time with Brad Bickham and Susan Brooker, Chair of Boulder Country Day School, spoke to agenda item 3F and the 500 foot buffer, noting the buffer did not exist for breweries or their taprooms and tasting rooms. Taprooms and tasting rooms had evolved into bars with bar related issues. Please approve the 500 foot buffer language.
2. Pete Weber spoke to the brewery item 3F and urged Council to uphold state law. Breweries have very few industrial sites to locate businesses. He urged Council not to impose a 500 foot restriction as it further limits locations for breweries and distilleries.
3. Richard Johnson also spoke in support of placing a 500 foot buffer on breweries and distilleries. He noted brewery sales rooms had become much more like bars and restaurants.
4. Patrick Perrin, Counsel for Avery Brewing Company, suggested the 500 foot rule was discretionary and Boulder would be exceeding its jurisdictional authority by imposing a 500 foot buffer. Please do not approve the 500 foot buffer language.
5. Mike Shields, pooling time with Ilena SicaAnn and Marie Tewey, Head of Boulder Country Day School, also urged Council's support of a 500 foot buffer for breweries and distilleries. Schools and Booze don't mix.
6. Steve Breezley, Director of Operations at Avery Brewing, noted Avery was strongly in favor of the proposal as currently drafted. He urged Council to consider all of the businesses that may be impacted by the decision.
7. Adam Avery, Founder and President of Avery Brewing Company, raised concern about the impact on other local businesses due to limited industrial space. He suggested the decision on this matter was important for Avery to stay in business in Boulder.

8. Bill Hussey, pooling time with Karie Koplar and Paul Stapleton, (handout – not enough copies for clerk) with the North Boulder Alliance, spoke to the 1175 Lee Hill project and raised concern about fairness, proximity and concentration.
9. Martin Hammer spoke to the 1175 Lee Hill project also raised concern about the homeless concentration in North Boulder and was concerned about neighborhood children. Urged Council to request a BHP map to see all of their properties in the community.
10. Stephen Keenan spoke to issues 2B and 2C and urged Council to support municipalization.

**City Manager Response: - None**

**City Attorney Response: - None**

**City Council Response: - None**

**3. CONSENT AGENDA: - 6:43 p.m.**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE OCTOBER 18, 2011 COUNCIL MEETING MINUTES.**
- B. **CONSIDERATION OF A MOTION TO APPROVE THE OCTOBER 25, 2011 COUNCIL MEETING MINUTES.**
- C. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2011 BUDGET.**
- D. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING TITLE 7, B.R.C. 1981, CONCERNING REGULATION OF VEHICLES AND TRAFFIC AND PARKING INFRACTIONS.**
- E. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN EMERGENCY ORDINANCE CONCERNING THE UTILITY OCCUPATION TAX, EXTENDING AND INCREASING THE TAX RATE UP TO AN ADDITIONAL \$1.9 MILLION, AND MAKING THE ADDITIONAL FUNDS AVAILABLE TO SUPPORT LOCAL GOVERNMENT SERVICES AND TO FUND THE COSTS OF FURTHER EXPLORATION OF AND PLANNING FOR BOTH THE CREATION OF A MUNICIPAL ELECTRIC UTILITY AND ACQUIRING AN EXISTING ELECTRIC DISTRIBUTION SYSTEM, AS APPROVED BY THE VOTERS IN THE NOVEMBER 1, 2011 GENERAL MUNICIPAL ELECTION, BY THE REVISION OF CHAPTER 3-13 “UTILITY OCCUPATION TAX,” B.R.C. 1981, AND SETTING FORTH RELATED**

**DETAILS.**

**F. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING TITLE 9, LAND USE CODE, B.R.C. 1981, REGARDING DEFINITIONS AND USE STANDARDS FOR BREWERIES, BREWPUBS, DISTILLERIES AND WINERIES.**

City Attorney Carr provided an amended buff colored copy of the ordinance for Item 3F.

Council Member Becker asked staff to address taprooms vs. restaurants in the second reading memo. She also asked what others schools this could potentially impact. What other uses are allowed by right in this zone (even if not a brewery). Regarding beer festivals, she asked what additional permitting ability would be available for restrictions if this item moved forward.

Council Member Ageton asked whether the city was required to follow the state's method for calculating the 500 foot setback. The City Attorney responded no, the city was not required to follow the same methodology.

Council Member Wilson asked how the 500 feet was currently measured and for breweries was the distance sufficient for protecting schools given how it is measured. Please also clarify the issue of grandfathering existing locations.

Mayor Appelbaum asked about which uses would be allowed in industrial zones that would typically be considered as not good neighbors of schools.

Council Member Cowles moved, seconded by Becker to approve consent items 3A and 3B. The motion carried 7:0; Council Members Jones and Plass were recused. 6:51 p.m.

Council Member Becker moved, seconded by Cowles to approve consent items 3C through 3F with the substitute buff colored ordinance provided by the City Attorney's office on item 3F. The motion carried unanimously 9:0. 6:54 p.m.

**4. POTENTIAL CALL- UP CHECK IN: - 7:20 p.m.**

No interest was expressed.

## ORDER OF BUSINESS

5. **PUBLIC HEARINGS: - 7:20 p.m. - None.**
6. **MATTERS FROM THE CITY MANAGER: - 7:21 p.m.**

A. **UPDATE ON THE ROUND 2 CAPITAL INVESTMENT STRATEGY COMMITTEE  
PROCESS AND SCHEDULE.**

City Manager Brautigam provided the presentation on the item and shared some background information on Round 1 of the Capital Investment Committee. Round 1 focused on using existing revenues. Round 2 would consider new revenue sources. The Committee would work to develop a bond package for consideration in 2012 that would raise new revenues to invest in capital projects that make Boulder “Boulder” and would include ongoing operation and maintenance costs to support those projects. Ms. Brautigam shared the Committee’s guiding principles, which included projects that focus on:

- Further Boulder’s unique role and sense of place
- Further economic, environmental, and social sustainability goals
- Reflect community values
- Benefit a broad cross-section of the community
- Are shown in or will carry out goals in adopted plan
- Provide greater efficiency in conducting the city’s business
- Avoid higher cost investments later
- Have a clear project scope and have been vetted
- Address significant deficiencies
- Add significant value or provide return on investment

The timeline included a January 10 council check-in; mid-January public opinion poll results; a January 20-21 council retreat discussion; and, in February, the committee would seek council direction on whether to move forward in 2012 or pause for later consideration.

Council Member Becker spoke to Denver’s bonding and the exciting projects that came out of their process including the Colorado History Museum. She commented that being visionary and thinking big would be important in this process.

Council Member Karakehian asked whether money would stay in the specific categories of other projects that may drop off. City Manager Brautigam indicated that money could be moved around but generally funds would not be used beyond what was set in the spreadsheet. Mr. Karakehian clarified that Round 2 would include projects that weren’t yet completed as well as new ideas/projects. He also clarified with the City Manager that

two public opinion polls would occur throughout the process. He would also love to see what the questions will be prior to them going out to the public.

Council Member Wilson supported Council Member Becker's comments about looking at visionary projects. Council Member Wilson suggested he would like to see the capital funding impact chart brought back without the utilities projects because those are an enterprise vs. general fund projects.

Council Member Morzel also supported visionary projects but specifically wanted to see the North Boulder Branch Library idea move forward as well as the community plaza. She also hoped the committee would consider working with under-utilized city properties. In addition, finding good partners within the community would be an important factor..

Council Member Ageton suggested she would be looking to see public-private partnerships.

Council Member Becker suggested looking at a more functional, useable space at the Boulder Reservoir.

7. **MATTERS FROM THE CITY ATTORNEY:** - 7:54 p.m. - None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:** - 7:54 p.m.

A. **POTENTIAL CALL-UPS:**

1. **SITE REVIEW TO REDEVELOP AN EXISTING 1.44 ACRE SITE WITH TWO, THREE-STORY BUILDINGS WITH 39 RESIDENTIAL ATTACHED DWELLING UNITS, AN INDEPENDENT FRATERNITY MEETING SPACE AND A 28% PARKING REDUCTION AT 955 BROADWAY. INFORMATION PACKET DATE: NOVEMBER 9, 2011. LAST OPPORTUNITY FOR CALL-UP IS NOVEMBER 15, 2011. APPROVED BY PLANNING BOARD 7-0.**

No action was taken on this item.

B. **APPOINTMENT TO THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT. – 7:55 P.M.**

Council Member Wilson noted the Urban Drainage and Flood Control District appointment needed to be made but it was required the appointment be the Mayor or Deputy Mayor.

Council Member Wilson moved, seconded by Plass to appoint Council Member Morzel to the Urban Drainage and Flood Control District.

**OTHER MATTERS: - 8:01 p.m.**

Council Member Plass suggested that the Council seating be random at each meeting to allow for the building of relationships.

Council Members Becker and Morzel indicated interest in the idea.

Mayor Appelbaum suggested this be added as a topic for discussion at the upcoming Council Retreat.

Council Member Wilson requested the council employee evaluation process also be discussed at the upcoming retreat. He raised concern about the cost for the consultant utilized for the process.

Council Member Appelbaum also suggested there were process pieces related to the employee evaluation process that he would like to add to that discussion.

Council Member Ageton noted that the process had been discussed many times. A handbook was developed to guide Council through the process. A debrief each year had been recommended and perhaps once the process was standardized, the consultant would not be necessary.

Council Member Morzel suggested Council consider a debrief at the end of each council meeting as a procedural issue at the council retreat.

Council Member Ageton suggested retreat ideas could be sent to herself or Mayor Appelbaum as members of the retreat committee.

9. **PUBLIC COMMENT ON MATTERS: - 8:11 p.m. - None.**

10. **FINAL DECISIONS ON MATTERS: - 8:11 p.m.**

Vote was taken on the motion to appoint Council Member Morzel to the Urban Drainage and Flood Control District. The motion carried unanimously 9:0.

Mayor Appelbaum re-opened Open Comment at 8:12 p.m.

1. Richard Demuth submitted a list of proposals for Council to consider as ordinances and raised concern about reckless driving in Boulder.

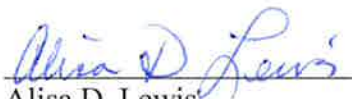
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION  
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 8:15 P.M.

APPROVED BY:

  
Matthew Appelbaum,  
Mayor

ATTEST:

  
Alisa D. Lewis,  
City Clerk